

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/721,517	BRIXIUS ET AL.	
	Examiner Rashmi K. Sharma	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 7/5/2005.
2.  The allowed claim(s) is/are 1-4 and 6-13.
3.  The drawings filed on 24 November 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All      b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **Reasons For Allowance**

Claims 1-4 and 6-13 have been allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 recites the structural limitation of a transport system comprising a control unit to control the transfer of articles having a first signaling member rendered operative to initiate movement of the elevator conveyor, when during movement from the lower end position to the upper end position the elevator has reached an upper trigger position which is defined in the travel path below an upper one of the planes and a second signaling member rendered operative to initiate movement of the elevator conveyor, when during movement from the upper end position to the lower end position the elevator has reached a lower trigger position which is defined in the travel path above a lower one of the planes, in combination with the rest of the recited structure, clearly defines over the prior art.

Claim 9 recites a method of transporting articles comprising the step of controlling the transfer of the articles in response to a signal indicating that the elevator has reached a lower trigger position defined in the travel path above a lower one of the planes during movement from the upper end position to the lower end position, wherein the control unit initiates movement of the elevator conveyor, when the elevator reaches the upper and lower trigger positions, in combination with the rest of the recited method steps, clearly defines over the prior art.

Claim 10 recites a method of transporting articles comprising the step of controlling the transfer of the articles in dependence on a vertical position of the elevator by starting operation of the elevator conveyor, when the elevator conveyor reaches an upper trigger position defined in the travel path below an upper one of the planes during movement from the lower end position to the upper end position, and by starting operation of the elevator conveyor, when the elevator reaches a lower trigger position defined in the travel path above a lower one of the planes during movement from the upper end position to the lower end position, in combination with the rest of the recited method steps, clearly defines over the prior art.

Claim 11 recites the structural limitation of a transport system comprising a control unit to control the operation of the elevator having a signaling assembly instructing the control unit to operate the elevator conveyor, when the elevator passes during ascent to the upper end position a first predetermined trigger position before reaching the upper end position and instructing the control unit to operate the elevator conveyor when the elevator passes during descent to the lower end position a second predetermined trigger before reaching the lower end position, in combination with the rest of the recited structure, clearly defines over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

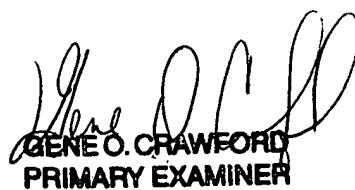
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GENE O. CRAWFORD  
PRIMARY EXAMINER